

REPORT OF THE CABLE RULES STUDY COMMITTEE

PURPOSE and MISSION

The Rules Governing Community Antenna Television in Rhode Island were originally promulgated January 30, 1981 and amended January 14, 1983. Since that time, the technology, delivery method and providers of cable television service have changed dramatically. As a result, the Administrator of the Division of Public Utilities and Carriers (DPUC), appointed a committee to recommend revisions to these rules that would ultimately be evaluated by the State's active cable citizen advisory committees, the general public and a hearing officer at prescribed public hearings. It was his hope that the committee's examination of the Rules would result in an updated and improved cable television delivery service that equitably addresses the needs and concerns of the subscribers, public access producers and the cable companies.

COMMITTEE COMPOSITION

The Cable Rules Study Committee was formed by the Administrator of the DPUC in September 2001 after advertising in the Providence Journal for interested individuals to serve as members. The committee was designed to consist of eleven members representing the government/regulatory section, the general public, public access and the cable industry. The size of the committee was large enough to include all these components, but not so large that it would be unable to function as a "working group". Original appointments included: Eric A. Palazzo, Associate Administrator of Cable Television; Leo Wold, Assistant Attorney General; Marc Morisseau, public access producer; Anthony Peduto, general public; Michael Davis, General Manager, Full Channel Television, Inc.; John Wolfe, Vice President of Government Affairs, Cox Communications, Inc.; State Senator Daniel DaPonte; William Durand, Executive Vice President and Chief Counsel New England Cable & Telecommunication Association, Inc; Joseph DiMaria, Vice President Community College of Rhode Island; Milton Nachbar, public access producer; and Mary Lou Palumbo, Community Programming Manager, Cox Communications, Inc. Scheduling and personal reasons ultimately prevented Mr. Peduto, Mr. Nachbar and Senator DaPonte from actively serving through the entire process and one replacement was appointed, that being John Barr, a former member of the State House of Representatives and a member of the general public. Other

openings on the committee were offered to members of various advisory committees, but they opted not to serve.

COMMITTEE STRATEGY

The committee chose to conduct a chapter by chapter analysis of the rules and develop specific proposals for enhancement of each phase of the cable approval, implementation and monitoring process. The committee opted to meet monthly (with the exception of July and August) and proceed in an orderly fashion until the evaluation was completed. Monthly meetings allowed for committee members to digest the material covered in the previous meeting, conduct research on issues raised that needed further review and prepare for the topics to be discussed at the next meeting. As a result, 22 meetings were held beginning September 20, 2001 and concluding January 23, 2004.

All meetings were open to the public and on several occasions cable citizen advisory committee members attended. Also, the Chairman of the four active advisory committees were invited to the February 14, 2003 meeting, to receive an update on the committees work and afford them the opportunity to comment on issues of concern. Three committees were represented and offered comment.

ACTION TAKEN

The committee, with significant debate, evaluated each section of the Rules. Ultimately, through consensus, a series of amendments were proposed, while opting to leave many sections in tact. The enclosed document speaks to those proposed amendments in a format that will allow the reader to define both the language deleted and the new language to be added.

All proposed changes are included in the document except for two matters. First, the committee chose not to address the issues concerning Section 7.2 Residential subscriber network and Section 7.3 Institutional/Industrial network since the DPUC was in the midst of a proceeding, Docket 2000-C-7, to evaluate the interpretation of these sections. As of the completion of the study committees work, a ruling has not been issued by the Administrator. Accordingly the committee agreed to reconvene as necessary to address this matter at a future time.

Secondly, the committee formally approved recommending the reconfiguration of several service areas including: the merger of Area 1, Woonsocket, Smithfield, North Smithfield, Lincoln, Cumberland and Central Falls with Area 13, Burrillville and Glocester; the merger of Area 4, East Providence with Area 10, Pawtucket; and the elimination of Area 8 relocating those communities in the following manner: West Greenwich, Exeter and North Kingston to Area 6, Jamestown to Area 7 and Narragansett and South Kingston to the old Area 9 to be renumbered Area 8. The enclosed listing at the conclusion of this summary depicts the proposed reconfiguration.

In order to effectuate these changes the DPUC would utilize the provisions authorized in Chapter 2, CATV Service Areas, either as part of the upcoming public hearing process or during a separate proceeding.

REMAINDER OF THE PROCESS

The committee decided to authorize the DPUC to make copies of this document available to the public through the following vehicles: First, by providing sufficient copies to the Chairman of the Area 4, 5, 7 and 9 cable advisory committees for their review; Second, to make copies available in all public access studios throughout the State for those public access producers who may be interested; and, third, through a block advertisement in the Providence Journal informing the general public that copies are available at the DPUC and on the DPUC web page.

The committee encourages a review of the document and has requested that the DPUC withhold commencement of the formal public hearing process until sufficient time has been allowed for public evaluation and preparation. The DPUC will announce the dates of public hearings in the future, but they will be held no earlier than May 2004.

The matter will be formally docketed and the Administrator will assign a hearing officer to conduct the hearings, accept public comment and ultimately draft a Division order executing the recommendations the Administrator deems appropriate.

CONCLUSION

On behalf of the DPUC, I would like to thank all the members of the committee who served with diligence, responsibility and fairness throughout their deliberations. Many hours were spent both at meetings and on their own personal time reviewing proposals, conducting research and evaluating the many documents of background information provided to them by the DPUC and fellow committee members. The results, I believe, are recommendations worthy of careful consideration. A special note of appreciation is warranted to Leo Wold who was responsible for assuring that the final document was legally correct and in accordance with each and every vote that the committee executed.

Eric A. Palazzo
Chairman
Associate Administrator Cable TV

February 2, 2004

SERVICE AREA NUMBER
GEOGRAPHIC BOUNDARIES
(PROPOSED)

Area 1

Woonsocket
Smithfield
No. Smithfield
Lincoln
Cumberland
Central Falls
Burrillville (was 13)
Glocester (was 13)

Area 2

Providence
No. Providence

Area 3

Cranston
Johnston
Scituate
Foster

Area 4

East Providence
Pawtucket (was 10)

Area 5

Barrington
Bristol
Warren

Area 6

Warwick
West Warwick
East Greenwich
Coventry
West Greenwich (was 8)
Exeter (was 8)
No. Kingstown (was 8)

Area 7

Newport
Middletown
Portsmouth
Tiverton
Little Compton
Jamestown (was 8)

Area 8 (old eliminated)

Area 8 (new, was 9)

Westerly
Hopkinton
Charlestown
Richmond
Narragansett (was 8)
So. Kingstown (was 8)

Area 9 (new, was 11)

New Shoreham

*old Area's 10, 11 and 13 eliminated